

Amendment Under 37 C.F.R. § 1.111
USSN 10/626,633
Attorney Docket Q75566
December 16, 2005

REMARKS

Claims 10-12 are all the claims pending in the application.

In the specification as originally filed the lateral outflow openings were designated by the numeral (9) in the ferruel (7). The numeral (9) is also used to designate the inclined lateral teeth (9). The specification and drawings have been amended to designate the lateral outflow openings with the numeral (19) instead of (9).

In the specification as originally filed, the sentence found in lines 7-9 on page 4 stated that “in the reverse direction of rotation, the shape of the teeth (9, 12) makes the cap permanently coupled torsionally with the hollow body (3) of the cannula (1). The term “permanently” was considered to be misleading since it would infer that the teeth could never be separated from each other. However, the teeth can be separated from each other literally by rotation in the opposite direction. Therefore, the term “permanently” has been changed to --positively--.

In the last Office Action, Claims 1-9 inclusive were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite since the claims were generally narrative and indefinite. Claims 1, 2 and 4-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Novacek *et al.* (US 5,360,404) and Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Novacek *et al.* Claims 1-9 inclusive have been canceled without prejudice in order to advance the prosecution of the present application and new Claims 10-12 inclusive have been substituted therefore.

New independent Claim 10 specifically calls for a cannula having a protection cap for a medical infusion line. The cannula is comprised of a hollow body having at a first end a female

Amendment Under 37 C.F.R. § 1.111
USSN 10/626,633
Attorney Docket Q75566
December 16, 2005

luer lock connector adapted to be mated with a male luer lock connector on the medical infusion line and having at a second end an axial tubular ferruel. The hollow body (3) has an outer surface formed with lateral teeth (9) and the protection cap (2) has an inner surface formed with complementary lateral teeth wherein the outer surface of the hollow body and the inner surface of the protection cap are both cylindrical the lateral teeth of the hollow body and cap are axially tapered. The protection cap is removeably applied to the hollow body to enclose the tubular ferruel with the later teeth (9, 12) of the hollow body and said cap being mutually coupled positively for a first direction of rotation corresponding to unscrewing of the female luer lock connector from the male luer lock connector and initially in the second direction opposite to said first direction until a predetermined torque is reached. In attempting to anticipate the present invention with the disclosure of the Novacek *et al.* patent, the Examiner appears to be relying on the teeth and ribs (142) that cooperate with teeth or ribs on the needle hub (140). The saw toothed-shaped ribs are arranged such that when one provides rotational torque to remove the needle hub from a connector the cap stays on the hub similarly if one rotates the cap to remove it from the needle the hub remains attached to the connector.

New independent Claim 10 of the present invention positively claims that the outer surface of the hollow (3) and the inner surface of the protection cap are both cylindrical and the lateral teeth (9, 12) of the hollow body end cap are axially tapered so that when the protection cap is removeably applied onto the hollow body to enclose the tubular ferruel with said lateral teeth (9, 12) of the hollow body and the cap mutually coupled positively for a first direction of rotation corresponding to unscrewing the female luer lock connector from the male luer lock

Amendment Under 37 C.F.R. § 1.111

USSN 10/626,633

Attorney Docket Q75566

December 16, 2005

connector and initially in a second direction of rotation opposite to said first direction until a predetermined torque is reached. As shown in Figures 20-23 of Novacek *et al.* the cap and the cannula have a conical configuration and there is no axial tapering of the saw tooth-shaped ribs in the axial direction. Therefore, with Novacek *et al.* rotation of the cap in one direction will continue to apply force to the teeth (140) on the cannula and there is no provision for rotating the teeth in the opposite direction to remove the cap. The cap of Novecek *et al.* is simply lifted on and off the teeth on the cannula in a pure axial movement.

In view of the foregoing distinctions it is submitted that new Claims 10-12 inclusive are not anticipated by or obvious in view of Novacek *et al.* Therefore, it is respectfully requested that Claims 10-12 inclusive be allowed and the application passed to issue forthwith.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
USSN 10/626,633
Attorney Docket Q75566
December 16, 2005

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Robert V. Sloan
Registration No. 22,775

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 16, 2005

**Amendment Under 37 C.F.R. § 1.111
USSN 10/626,633
Attorney Docket Q75566
December 16, 2005**

AMENDMENTS TO THE DRAWINGS

Three sheets of replacement drawings are submitted herewith in lieu of the drawings as originally filed on July 25, 2003.

Attachment: 3 Replacement Sheets